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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,721	02/01/2002	Uzi Khill	3394P011	1572
8791	7590	05/08/2006		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER PARK, JUNG H	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/061,721	Applicant(s) KHILL, UZI	
	Examiner Jung Park	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,9,12-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 2,3,7,10,11, and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6, 8, 9, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khansari et al. (U.S. 6,446,131, "Khansari") in view of IEEE 802.1D standard (Part3:Media Access Control (MAC) Bridges, ANSI/IEEE Std 802.1D, 1998 Edition; see IDS, hereinafter "the Standard").

Regarding claims 1 and 9, Khansari teaches, "a method for budgeted learning of link information in a network, comprising: - providing a database (*filtering DB 56 fig.5*) to contain the link information (*fig.6; col.6, ln.12-15*), for use by an entity (*bridge 12 fig.2b*) connected to the network (*10 fig.2b*) in transferring traffic over the network (*from 26 to 24 fig.2b*)."

Khansari teaches a learning process in figure 7 (described in col.6, line 36- col.7, line 11), but fails to teach the method of setting a maximum rate for addition of entries to the database; and adding the new entry to the database only if the addition of the entries during the learning period has not exceeded the maximum rate.

However, the Standard teaches, "-setting a maximum rate (*page 262, section 16.1(e) where configured (setting) Guaranteed Port Filtering Rate, is a value that given any set of frames from the specific Bridge Port to be filtered*) for addition of entries to the database (*see section 16.1 where it is required to add entries into the filtering DB for*

forwarding process); responsive to the traffic on the network during a learning period (*time interval T_F*), determining a new entry to be added to the database (see section 16.1(a) where...*the number of frames in the set does not exceed the specific port's filtering rate ...*); and

- adding the new entry to the database only if the addition of the entries during the learning period has not exceeded the maximum rate (see section 16.1(a) where...*the number of frames in the set does not exceed the specific port's filtering rate which equates to the maximum rate*)."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the Guaranteed Port Filtering Rate for setting and adding steps taught by the Standard into the method for learning of link information disclosed by Khansari. The motivation of applying the Guaranteed Port Filtering Rate is to manage the size of filtering database based on the value of the specific port's filtering rate in order to prevent exploding of the filtering database with irrelevant entries (see page 42, section 7.8 in the Standard).

Regarding claims 4 and 12, Khansari further discloses the entity comprising a bridge (12 fig.2b), and wherein providing the database comprising building a filtering database (56 fig.5) for use by the bridge.

Regarding claims 5 and 13, Khansari further teaches the bridge serving a plurality of communication domains (col.9, ln.11-15).

Regarding claims 6 and 14, Khansari further discloses the bridge comprising a MAC bridge (col.9, ln.11-13 where for physical connectivity, it is required to have a MAC bridge), and wherein the domains comprising VLAN domains (col.9, ln.11-15 virtual LAN).

Regarding claims 8 and 16, Khansari further discloses the determining the new entry comprising receiving a data packet having a source address that does not appear in the database, and generating the new entry responsive to the source address (learning process in fig.7; col.6, ln.36-49).

Allowable Subject Matter

3. Claims 2, 3, 7, 10, 11, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed April 11, 2006 have been fully considered but they are not persuasive.

At page 6, for claim 1, applicant argues that the filtering rate does not refer to a rate at which entries are added to the filtering database. In reply, the IEEE standard explicitly teaches, "updates the Filtering Database conditionally on the state of the receiving port (section 7.8)."

At page 6, for claim 1, applicant further argues that, even if it were conceded, the IEEE Standard (section 16.1) sets a guaranteed minimum rate, which is contrast to the maximum rate for the addition of entries to the database, which may not be exceeded as

recited in claim 1. In reply, the IEEE standard explicitly teaches (in section 16.1.a) that the number of frames in the set does not exceed the specific port's filtering rate. The "does not exceed" means "maximum". Therefore, "does not exceed the specific port's filtering rate" equates to "does not exceed the maximum rate". Therefore, the examiner respectfully disagrees. In view of not being patentability of claim 1, the dependent claims 4-6 and 8 are unpatentable.

At page 6, for claims 9, 12-14, and 16, applicant argues that claims 9, 12-14 and 16, which operates on principles similar to the methods of claims 1, 4-6 and 8, are believed to be patentable over the cited art for the reasons explained above. In reply, claims 9, 12-14 and 16 are unpatentable over the cited art for the similar reasons explained for claim 1 above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

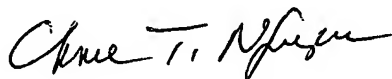
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

Jung Park
Patent Examiner
Art Unit 2661
May 3, 2006



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